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73-1295/A

Mr. Felix Belair, Jr.
The New York Times
1920 L Street, N. W.
Washington, D. C. 20036

Dear Mr. Belair:

Your letter of March 8, 1973 has been received. We wish to be as forthcoming to your request as we can be legally. As representative of a newspaper, you can appreciate our concern with protection of intelligence sources, a requirement levied upon by the Director of this Agency by law.

We are initiating action to retrieve those documents relative to the Bay of Pigs which we can identify. As we noted on previous correspondence, we have no basic collection on such documents ^{so} to that the retrieval process will involve considerable time. Accordingly, we will be unable to respond to your appeal request within thirty days. What we propose to do is to review documents for release in either original or sanitized form and release them to you on an incremental basis as such documents have been either declassified or appropriately sanitized.

Because of the considerable investment of resources in searching and retrieving, it will be necessary to charge you a fee for documents furnished. This fee may be as high as \$20 per document. Obviously, it will benefit both you and our researchers if you can specify your area of interest as precisely as possible.

We hope that this will satisfy your needs.

Sincerely yours,

Angus MacLean Thuermer
Assistant to the Director

The New York Times

WASHINGTON BUREAU
1920 L STREET, N.W.
WASHINGTON, D.C. 20036
(202) 293-3100

Executive Registry

7:3-1295

March 8, 1973

Mr. Angus M. Thuermer
Ass'tnt to Director
Central Intelligence Agency
Washington, D.C. 20505.

Dear Mr. Thuermer:

This is an appeal to the Central Intelligence Agency Information Review Committee for review and reversal of the prior decision of CIA rejecting, per your letter of Sept. 25, 1972, our request for review and declassification of basic documents relating to the Bay of Pigs episode.

In the letter referred to you state that Executive Order 11652 and the National Security Council directive implementing it "make it clear that they refer to specific documents, not broad access to the records", etc. You state that in this respect our request does not fulfill the requirement of sufficient particularity to fall within the Executive Order.

Your letter states as a further reason for rejecting our request that the documents, on the Bay of Pigs include "references to or reflections of intelligence sources which could be jeopardized by release of these documents". The letter acknowledges, at the same time, these references or reflections are intertwined in individual documents with material which has been or could be exposed to public notice without adverse effect, "but editing or segregating the two so as not to jeopardize intelligence sources and methods is simply not feasible".

It is submitted in support of this appeal that the two reasons given amount, taken together, to a massive quibble.

It should be obvious that identification of specific documents could be made only by employees of CIA, the NSC or the Departments of Defense and State. Merely to cite a lack of particularity in a request for material bearing on the Bay of Pigs is to seize a technicality to frustrate the Executive Order and ignore the accompanying statement by the President.

Similarly, to argue that editing or segregating the two types of documents is "not feasible" amounts, we submit, to placing CIA in a sacrosanct area above and beyond the purview of the Executive Order.

It is the view of this newspaper that anything is "feasible", even necessary that is required to give effect to the clear intent of the President's declassification order. It is either that or the order and accompanying statement were an empty gesture. So-called "sanitized versions" of sometimes confidential papers or testimony of administrative officials are nothing new. Hence the question: Why cannot CIA sufficiently sanitize the Bay of Pigs documents to protect intelligence sources and methods? To say that this is "not feasible" sounds very much like "too much trouble".

If this is, indeed, the fact, then in our view nothing is too much trouble to carry out the stated purpose of the Executive Order.

Your letter concludes with the statement that the Department of Defense agrees with CIA that the JCS documents setting forth the comments of the Joint Chiefs of Staff on the Bay of Pigs operation cannot be released. You assign no reason for this. And since it could hardly be for lack of particularity or that it would jeopardize intelligence sources and methods, a statement of the reason for this is requested and made part of this appeal.

A reply is respectfully requested at Review Committee's earliest convenience.

Sincerely


Felix Belair, Jr.

Rec'd 3/13/73

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Remarks: <p>Attached is the recently received appeal from the New York Times on documentation relative to the Bay of Pigs. Discussions with Mr. Colby indicate the desire that we be as forthcoming as possible in releasing information which can be declassified without revealing intelligence sources and methods. Also attached is a draft copy of a letter to the New York Times reflecting that position. I would appreciate any comments, criticisms or inputs to the letter to the New York Times by close of business, 16 March 1973.</p>	
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NOTE ATTACHED TO LETTER TO MR. BELAIR